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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT

PAPER NUMBER

2139

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,243

Applicant(s)

KENRICH, MICHAEL FREDERICK

Examiner

Farid Homayounmehr

Art Unit

2139

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: application, filed 10/20/2003; amendment filed 5/28/2008.
2. Claims 1-16, 18-36 are pending in the case.
3. Claims 1-16, 18-36 were amended.

Response to Arguments

4. Applicant's amendments have created new grounds for rejection, reflected in the next section. Rejection under section 101 is withdrawn due to amendments.

Applicant argues that Kleckner and Morinville, either alone or in combination, do not teach or suggest each and every feature of independent claims 1, 15, and 30. Applicant specifically argues:

"The Examiner suggests that, because the transactions are themselves stored as files in some level of abstraction in the Kleckner system (see, e.g., Kleckner at [0134]), that Kleckner necessarily concerns itself with "access rights to the electronic files," as recited in independent claims 1, 15, and 30. (Instant Office Action, p. 3). This

characterization appears to overreach, as Kleckner does not even concern itself with access rights to a transaction, let alone the underlying electronic files that comprise a transaction, but rather with securing the *approval* of new transactions or amendments. (Kleckner at [0131-32]).

Moreover, even assuming that, *arguendo*, Kleckner does disclose some level of access rights control to the financial transaction, Kleckner clearly nowhere teaches or suggests the control of "access rights to the electronic files," as recited in independent claims 1, 15, and 30."

However, Kleckner claim 1 or paragraph 20 clearly shows that his invention is about validating an amendment to a transaction. If the amendment is not valid, it will not take effect. Therefore, Kleckner controls amendment of transactions, and amending a transaction requires access to the transaction record. Therefore, Kleckner teaches controlling access to a transaction record (file).

Applicant's argument relative to the dependent claims is based on the same claim requirement discussed above. Accordingly, applicant's argument is found non-persuasive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 15 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kleckner and further in view of Morinville (US Patent Application Publication No. 2002/0062240, published May 23, 2002).

6.1. As per claims 1, 15 and 30, Kleckner is directed to a method for approving a security change (parag. 127 to 132) for a file security system that secures electronic files (per abstract, Kleckner provides a system that uses digital signatures to validate an amendment to a financial transaction. Parag. 135 shows that the transactions are performed using records (files) that are secured using digital signatures.), said method comprising: receiving a requested security change from a requestor (parag. 131, where the new policy is communicated to a second security officer), the security change being used for determining access rights to an electronic file (paragraphs 134 and 135 show that the transaction record status is changed, pending valid approvals. Therefore, Kleckner teaches control access to the transaction record (electronic file)); identifying a plurality of approvers to approve or disapprove of the requested security change (the second security officer who verifies the change. Note that per parag. 131, at least one officer is required to review, therefore suggesting a plurality of reviewers.) by accessing

an approver set in an approval manager module (Kleckner teaches identifying approvers, but it does not explicitly teach an approval manager module that identifies the approvers. Morinville teaches a Build process (paragraph 0087 and Fig. 9) where the request for approval is built and the list of approvers is identified. Kleckner and Morinville are analogous art, as they are both directed to the process of obtaining approvals for change in a process. At the time of invention, it would have been obvious to the one skilled in art to include the process of approver identification as taught by Morinville, in Kleckner's system. The motivation to do so would have been to facilitate the creation of the approval process in Kleckner's system by using a system that allows creation of detailed and flexible approval process.); notifying the approvers of an approval request for the requested security change (Kleckner parag. 131 as discussed above); determining whether the requested security change is approved based on responses from the approvers to the approval request (parag. 131 where the second security officer signs and stores the new policy in the database); and performing the requested security change when said determining determines that the requested security change has been approved (parag. 132).

6.2. With regards to claim 4, Kleckner and Morinville are directed to a method as recited in claim 1, wherein no one of the plurality of approvers can individually approve the requested security change (Kleckner parag. 130).

7. Claims 2, 3, 5-14, 16, 18-29, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kleckner and Morinville as applied to claims

1, 4, 15 and 30 above, and further in view of Gune et al. (US Patent No. 7,131,071, filed March 29, 2002).

8. With regards to claims 2, 3, 5-14, Kleckner in view of Morinville is directed to the method of claim 1 and teaches an approval process to control changes to security policies. However, Kleckner in view of Morinville does not discuss all the additional details related to the approval process as required by the dependent claims.

Kleckner, however, does require establishment of an approval process to perform trade approval, as well as an approval process to make changes to security policies. Therefore, a system capable of creating a detailed approval process would improve the system taught by Kleckner because it facilitates creation of the approval process required in Kleckner, and also makes creation of the approval process more flexible and efficient.

Gune's invention is directed to a facility for defining an approval process (abstract) for approving different types of requests. Gune's system allows defining the details of elements of the approval process. At the time of invention, it would have been obvious for a person skilled in art to integrate Gune's facility, which allows detailed and flexible creation of an approval process (see for example col. 2 line 53 to col. 3 line 40), in the system of Kleckner to allow creation of a detailed approval process. As mentioned above, the motivation to do so would have been to facilitate the creation of the approval

process in Kleckner's system by using a system that allows creation of detailed and flexible approval process.

The combined system of Kleckner, Morinville and Gune is directed to limitations of the claims as follows:

8.1. With regards to claims 2 and 3, transmission of notification to the approvers, and reception of their response using email is suggested by Kleckner col. 1, lines 25 to 37.

8.2. With regards to claim 5, Gune teaches arrangement of approvers in sets in col. 11 lines 18-25.

8.3. With regards to claim 6, Kleckner col. 9 lines 12 to 51 describes the AND approval process element, which requires two or more paths (approval process elements) to be approved independently so the overall process could be approved. Moreover, Fig. 21 describes an example showing each element (which could be a group, as discussed in rejection of claim 5) required to be approved independently for the entire process to be approved. Therefore, Gune teaches approval determining requiring approval from more than one plurality of groups.

8.4. As per claim 7, Gune col. 1 lines 36 to 44 shows a hierarchical approval process, which progression to a next level of hierarchy requires approval from the current level.

8.5. With regards to claim 8, the security officers of Kleckner are users of the security system as they use the system to secure the transactions.

8.6. With regards to claim 9, Gune col. 13, lines 33 to 43 indicates that subset of each element, which includes the group element could be used to define the approval process. Therefore, Gune teaches an approval process wherein a subset of set of approvers can approve the request.

8.7. With regards to claim 10, Gune col. 12 lines 3 to 12 describes creating an approval process relative to the type of request. Therefore, Gune teaches an approval process wherein the selected elements (approvers) are dependent on the type of request.

8.8. With regards to claim 11, Gune col. 10, lines 30-35 teaches selecting an approver based on its position relative to the creator of the request. Therefore Gune teaches an approval process wherein the approvers are identified depending on the requestor.

8.9. With regards to claims 12 and 13, Gune col. 3, lines 19-27 teach simultaneous and concurrent notification of approvers.

8.10. With regards to claim 14, Kleckner teaches a system for securing trade records, which are electronic documents.

8.11. With regards to claim 16, Kleckner teaches the importance of separation of duties, and also teaches the security policy changes approval by a security officer and not the administrator. Therefore, Kleckner teaches an approval manager who changes approval process without any interaction from administrator(s).

8.12. With regards to claim 19, use of digital signatures to authenticate the sender of an email message was well-known to a person skilled in art at the time of invention.

8.13. With regards to claims 20 and 29, a key store connected to the system that uses digital signatures is inherent to systems using digital signature because keys are integral parts of digital signatures.

8.14. The limitations of the following claim are substantially the same as the corresponding claim:

Claims 18 and 31 correspond to claim 2

Claims 19 and 32 correspond to claim 3

Claims 21 and 33 correspond to claim 4

Claim 22 corresponds to claim 5

Claim 23 corresponds to claim 6

Claim 24 corresponds to claim 7

Claim 25 corresponds to claim 8

Claim 26 corresponds to claim 9

Claim 27 corresponds to claim 10

Claim 28 corresponds to claim 11

8.15. The limitations of claims 34-36 are substantially the same as limitations of claims 2, 3, and 4 sequentially, with the added limitation that if there is no approval required, the request is granted without the need to obtain approvals. This limitation is taught by Morinville paragraphs 77 or 86.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

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/Kristine Kincaid/

Supervisory Patent Examiner, Art Unit 2139